



Montana Fish, Wildlife & Parks

2300 Lake Elmo Drive
Billings, MT 59105

January 31, 2008

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for a roadside animal menagerie permit for Corynne Freeman to be constructed at her residence in Roundup, Montana. The permit proposes to allow the possession of one short tailed opossum and one tamandua, a species of anteater, for exhibition purposes. The permit would be issued following inspection and approval of all cages associated with the facility. Six public comments were received during the 14-day comment period ending December 7, 2007.

It is my decision to proceed with the proposed permit, with no changes to the Draft EA.

Sincerely,

Region Five Supervisor
Attachment

Freeman Roadside Menagerie Permit
Billings, Montana
Decision Notice

Proposed Action

Montana Fish, Wildlife and Parks (FWP) received an application dated 9/27/2007, from Corynne Freeman to keep one short tailed opossum and one tamandua in captivity for purposes of exhibition. Exhibitions would be held off site, for the most part, with indemnity agreements required by FWP for any off site exhibitions specifying exhibition conditions. The proposed roadside menagerie where the animals will be housed is located approximately 5 miles E of Roundup, Montana (T6N, R26E, S24), in a sparsely developed area.

Montana Fish, Wildlife & Parks (FWP) proposes to issue a roadside menagerie permit to Corynne Freeman, 26 West Parrot Creek Road, Roundup, MT. The permit will allow the possession of one short tailed opossum and one tamandua. The permit will be issued following inspection and approval of all cages associated with the facility.

The Licensee must be in compliance with all applicable FWP zoo/menagerie standards and regulations. Current regulations are attached for the applicant's information, but it is the Licensee's responsibility to keep up with any changes in the laws or regulations.

Montana Environmental Policy Act

FWP assessed the impacts of this proposal to both the human and physical environments. These effects were disclosed in the Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act.

A fourteen day comment period was open from November 23, 2007 through December 7, 2007. Public notification of the proposed action was facilitated with the distribution of a legal notice in the Roundup newspaper, on the FWP website, and through letters to neighboring landowners.

Comments Received on the Environmental Assessment

FWP received comments from six individuals or couples, concerning the proposal. Four of those comments expressed concerns regarding the proposal, one was in support, and one supported the proposal but had concerns. Those have been addressed (see attached) and no substantive comments, either for or opposed to the project, were received.

Final Environmental Assessment for Wild Animal Menagerie

No significant impacts to the human or physical environment were identified in the Draft EA or through public comment. Alternative 3, as described in the Draft EA was selected as the preferred alternative. That preferred alternative includes mitigation measures to assure that no impacts are derived from the issuance of this license. Therefore, the Draft EA, alternative 3, and this Decision Notice will serve as the final document.

Mitigation Measures Included for this License

1. If the applicant adds animals of the same species to the menagerie, FWP would require confirmation that new animals were of the same sex as those of the same species already in the menagerie. (addition of animals of the same species for breeding purposes would require a supplemental EA)
2. FWP has the right and responsibility under 87-4-806 MCA to conduct periodic inspections of menageries. Other state and local ordinances regarding animal welfare may also apply.
3. If the animals are exhibited offsite, FWP must ensure that the animals are transported to and from the exhibition locations in a suitable cage. Exhibitions offsite will require authorization from FWP and the applicant would be required to sign an indemnity agreement indemnifying FWP should any property damage or personal injury take place. (this is consistent with the FWP policy regarding offsite exhibition of roadside menagerie animals – copy attached)
4. No public contact will be allowed with the animals covered under the menagerie permit. (this is consistent with the FWP policy regarding offsite exhibition of roadside menagerie animals – copy attached)

Decision

Based on the information in the Draft EA, it is my decision to proceed with the proposed action. The proposed action is to issue a roadside menagerie permit to Corynne Freeman for the location on her property at 76 West Parrot Road, Roundup, Mt. The issuance of this permit is subject to final inspection upon completion of the project.

Based on the analysis in the EA and applicable laws, regulations and policies, I have determined that this action will not have significant effects on the human or physical environment. Therefore, an Environmental Impact Statement will not be prepared. If you have questions regarding this decision notice, please contact me at 2300 Lake Elmo Drive, Billings, MT 59105.

Region Five Supervisor

Comments, and Responses Provided During the Comment Period

Comment one: Health hazards at the Freeman facility due to dead porcupines (associated with an unrelated Freeman business) as well as fecal material from horses, ducks, and other domestic livestock that are free ranging.

Response one: This license authorizes the possession of one short tailed opossum and one tamandua. FWP does not have jurisdiction over domestic animals or other businesses associated with the property. The exotic species held under this permit must be confined at all times in cages of such strength and construction that it will be impossible for said animals to escape. The animals will not be free ranging. In addition, Montana administrative rules require that the cages and their surroundings be cleaned daily and kept in a sanitary and attractive condition, free from offensive odor.

Comment two: Concerns that the animals could escape and breed, resulting in environmental damage to native species or problems for human safety.

Response two: See response one concerning caging of the animals. In addition, only animals of the same sex for each requested species will be allowed. In the unlikely event that they did escape, the possibility of their surviving is unlikely and of breeding is impossible. In addition, neither of these species could cross breed with any native Montana species.

Comment three: Concerns regarding the health of the animals that Freeman currently has.

Response three: Ms. Freeman is currently licensed by the United States Department of Agriculture and holds a class C exhibitor's license allowing for the exhibition of animals. The USDA has jurisdiction for and inspects licensees regarding animal health and welfare issues. If there are any problems with animal health or welfare, USDA will address them through their inspection procedure and could be contacted at 1-703-812-6758..

Comment four: Ms. Freeman has provided excellent animal presentations to the schools over the last 4 years. The presentations are scientific, conservation-oriented, and provide well-researched information.

Response four: Comment noted.

Comment five: Concerns regarding increased traffic on West Parrot Creek Road as well as concerns for parking of cars visiting the roadside menagerie.

Response five: Ms. Freeman has indicated that she is obtaining these two exotic species, for which she needs the roadside menagerie license, specifically to use in presentations off site. While some people do currently visit the facility to see the animals that are now on site, an increase in traffic due to the addition of these two species or a need for additional parking is not anticipated.

Comment six: Concerns that chemicals used to bleach buffalo skulls may be polluting ground water on the site and downstream from the property and that skulls rotting on the property are creating a health hazard.

Response six: See response one concerning jurisdictional issues. The Montana Department of Environmental Quality is responsible for potential pollution and/or contamination issues. Ms. Freeman has indicated that she has been inspected and approved for the buffalo skull processing and chemical use by DEQ.

Department of Fish, Wildlife & Parks
Exhibition Requirements for Roadside Menageries

- Requests for permission to take captive wildlife to shows, fairs, etc. must be received at least 10 working days (state working days) prior to the first date of departure. Failure to do so may result in denial of permission. This will allow the persons involved to prepare for the special circumstances involved with exhibitions.
- A request for exhibition must include a list of the animals to be exhibited; dates, times, and location of exhibition; a description of the enclosures or restraint to be used for exhibited animals; a listing of the personnel who will be involved with the exhibition; the licensee taking responsibility for the exhibition.
- An indemnity agreement is required for public exhibition of captive wildlife specifying the animals to be exhibited, dates of exhibition, and conditions under which the exhibition will be authorized. FWP will prepare the indemnity agreement indemnifying FWP. The licensee responsible for the exhibition must agree by signature to the conditions of the exhibition.
- If multiple exhibition sites are requested, complete information concerning dates, personnel involved, and animals exhibited must be submitted with the initial request.
- The applicant shall provide a current certificate of insurance to include personal injury and property damage coverage with combined single limits of a minimum of \$1,000,000, aggregate per year, from an insurer with a Best's rating of A- or better. FWP must be made additional insureds on the certificate. The certificate must be filed with FWP.
- The applicant taking primary responsibility for the exhibition must be a licensed roadside menagerie or wild animal menagerie operator who is in compliance with current FWP regulations for their licensed facility.
- Captive wildlife must be exhibited within enclosures capable of preventing escape of the animals. If animals are to be taken out of the enclosures for exhibition, a barricade providing a 20 foot separation from any member of the public must be employed. Only animals which are on a chain or leash and for which the trainer can demonstrate direct physical restraint may be exhibited outside of the enclosure.
- A barricade (rope or wire) will surround the primary enclosure or exhibition area to prevent direct public contact with the animals. Signs will be posted indicating that public contact is not allowed.
- A representative of the licensee must be present at all times that the animals are being exhibited. If animals are left in the enclosures overnight, security must be provided by the applicant. The responsible individual (signature on the indemnity agreement) must provide the names of the individuals assisting in overseeing the animals during exhibition.
- FWP may require additional stipulations as specific or changing circumstances occur regarding exhibition of captive wildlife outside of licensed facilities.